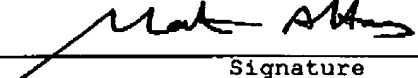


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CERTIFICATION OF FACSIMILE TRANSMISSION	
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MARTIN A. HAY	
Type or print name of person signing certification	
	July 10, 2006
Signature	Date

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : McGLYNN, Paul
: BAKALE, Roger
: STURGE, Craig
Serial No. : 10/728,873
Filing Date : December 8, 2003
For : LEVALBUTEROL SALT
Art Unit : 1621
Examiner : PUTTLITZ, Karl J.
Confirm No. : 1167
Docket No. : 00324/US1
Customer No. : 024330

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
UNITED STATES

Sir:

Serial No. 10/728,873
Declaration under 37 C.F.R. 1. 131

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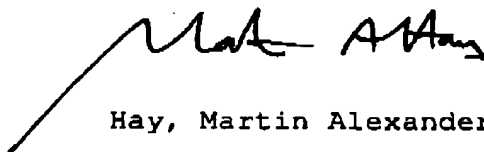
JUL 10 2006

- 2 -

DECLARATION UNDER 37 C.F.R. 1.131

Further to the response submitted on July 03, 2006,
Applicants herewith now provide a signed declaration under
Rule 131. Applicants were unable to sign this document at the
time it was originally submitted due to the holidays.

Respectfully submitted,



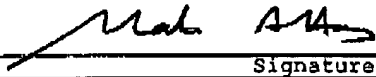
Hay, Martin Alexander
Agent for Applicants
Registration No. 39,459
Phone: 011 44 1625 500057
e-mail: martinahay@martin-a-hay.com

Customer No. 024330
[Martin A. Hay & Co.,
13 Queen Victoria Street
Macclesfield
Cheshire
SK11 6LP
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Commissioner for Patents
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Alexandria, Virginia 22313-1450
UNITED STATES

Serial No. 10/728,873
Declaration under 37 C.F.R. 1.131

- 2 -

Sir:

We, Paul McGlynn, Roger Bakale and Craig Sturge,
declare that:

We are the inventors and applicants in this
application.

Prior to October 10, 2002, we had completed our
invention in the United States as evidenced by the following:

Prior to October 10, 2002, micronized crystals of
levalbuterol L-tartrate had been prepared and tested in a
metered dose inhaler, as described in the attached copies of
two e-mail messages with attachments sent by one of us, Paul
McGlynn, to Douglas Reedich and James Kellerman in the patent
department of Sepracor Inc on March 4, 2002 and March 6, 2002
respectively.

We further declare that all statements made herein
of our own knowledge are true, that all statements made on
information and belief are believed to be true, and that these
statements were made with the knowledge that willful false
statements and the like so made are punishable by fine or
imprisonment, or both (18 U.S.C. 1001), and may jeopardize the
validity of the application or any patent issuing thereon.

Serial No. 10/728,873
Declaration under 37 C.F.R. 1.131

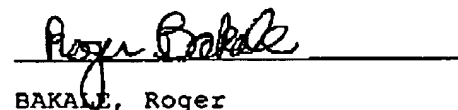
- 3 -



McGLYNN, Paul

5th JULY 2006

Date



BAKALE, Roger

5th JULY, 2006

Date

STURGE, Craig

Date

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Serial No. 10/728,873
Declaration under 37 C.F.R. 1.131

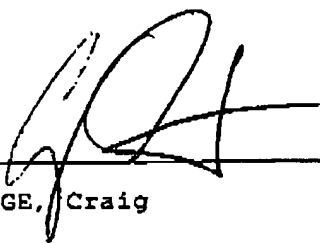
- 3 -

McGLYNN, Paul

Date

BAKALE, Roger

Date



STURGE, Craig

6 July 06

Date